UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,624	08/07/2001	Satoru Matsuda	112857-283	2083

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EXAMINER
HUYNH, BA

ART UNIT	PAPER NUMBER
2173	4

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-11* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-11* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *07 August 2001* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some *   c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

BA HUYNH
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.   Claims 1-8, 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

-    As for claim 1, line 18: The phrase "a second set of information" lacks clear antecedent basis as to it is not clear whether the applicants are referring to the same second set of information recited in line 10 of the claim. The same problem is found in claim 11.

-    As for claim 5, lines 2 and 3: The phrases "the user" lack clear antecedent basis.

-    As for claim 8, line 1: The phrase "said user" lacks clear antecedent basis.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent #6,480,885 (Olivier).

- As for claims 1, 9, 10: Olivier teaches a computer implemented method and corresponding system for exchanging information between network terminals, comprising the steps/means for:

first recording means for controlling the recording of information relating to a community composed of a plurality of users (step 202),

second recording means for controlling the recording of information relating to the plurality of users (step 208),

first generating means for generating a first set of information corresponding to a virtual space capable of being utilized the users of network terminals (step 212),

second generating means for generating a second set of information corresponding to an information list showing the community a first user participates in, from information relating to the plurality of users with its recording controlled by the second generating means (i.e., the list of community members, step 212),

first output control means for controlling the output of the first and second set of information to other network terminals (inherently included in the teaching of community),

input control means for controlling input from other terminals, of a fourth set of information showing the operation by the first user for giving a third set of information showing a specified community to a second user, from among the second

set of information generated by the second generation means, within the virtual space

generated by the first generation means, wherein the first recording means controls

the recording of information relating to the community shown by the third set of

information, on the basis of the fourth set of information with input controlled by the

input control means, and the second record control means controls the recording of

information relating to the first user and the second user, on the basis of the fourth set

of information with inputs controlled by the input control means (15:52 – 16:10; figs

1-12).

- As for claim 2: A first user may authorize the acceptance of a second to user into a

community (15:52 – 16:10).

- As for claim 3: The first user is a controller of the community (15:61-64).

- As for claim 4: The first user may specify a new controller of the group (15:61-64)

and may no longer be a member of from the group (14:40-54; 16:2-10).

- As for claim 5: Each user is provided with means for providing feedback (14:29-33),

privacy control (14:34-39), ignore or expel other users (14:40-54), adding

advertisements (17:40-64; 18:34-53), etc...

- As for claim 6: The second set of information is image information which can be

displayed in terminals of a community (18:34-50; 24:48-59; 25:1-10).

- As for claim 7: It is implicitly included that the size of the image information (i.e.,

the pictures of other users) changes according to the number of members participating

in the community.

- As for claim 8: A user can be a controller of a sub-community created by that user (15:52-63). It is implicitly included that image information of a sub-community is displayed separately from image information of other community (25:1-20).

- As for claim 11: Olivier teaches a computer implemented method and corresponding system for exchanging information between network terminals, comprising the steps/means for:

first recording means for controlling the recording of information relating to a community composed of a plurality of users (step 202),

second recording means for controlling the recording of information relating to the plurality of users (step 208),

first generating means for generating a first set of information corresponding to a virtual space capable of being utilized the users of network terminals (step 212),

second generating means for generating a second set of information corresponding to an information list showing the community a first user participates in, from information relating to the plurality of users with its recording controlled by the second generating means (i.e., the list of community members, step 212),

first output control means for controlling the output of the first and second set of information to other network terminals (inherently included in the teaching of community),

input control means for controlling input from other terminals, of a fourth set of information showing the operation by the first user for giving a third set of information showing a specified community to a second user, from among the second

set of information generated by the second generation means, within the virtual space generated by the first generation means, wherein the first recording means controls the recording of information relating to the community shown by the third set of information, on the basis of the fourth set of information with input controlled by the input control means, and the second record control means controls the recording of information relating to the first user and the second user, on the basis of the fourth set of information with inputs controlled by the input control means (15:52 – 16:10; figs 1-12).

Since each of the terminals is capable of participating and controlling a community (15:52 – 16:10), each terminal having the corresponding means and functions as set forth above.

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (703) 305-9794. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2173
3/19/04

BA HUYNH
PRIMARY EXAMINER